

**ASSEMBLY BILL**

**No. 486**

**Introduced by Assembly Member Parra**

February 14, 2003

An act to amend Sections 14601 and 14601.2 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 486, as introduced, Parra. Vehicles: suspended license: penalties.

Existing law imposes fines and terms of confinement in the county jail for driving with a suspended or revoked license, for driving with a license that was suspended or revoked for a violation of certain driving-under-the-influence (DUI) provisions, and for driving in violation of restrictions imposed upon the license for a violation of the DUI provisions.

This bill would increase specified fines and terms of imprisonment for those license violations.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 14601 of the Vehicle Code is amended
- 2 to read:
- 3 14601. (a) No person ~~shall~~ *may* drive a motor vehicle at any
- 4 time when that person's driving privilege is suspended or revoked
- 5 for reckless driving in violation of Section 23103 or 23104, any
- 6 reason listed in subdivision (a) or (c) of Section 12806 authorizing



1 the department to refuse to issue a license, negligent or  
2 incompetent operation of a motor vehicle as prescribed in  
3 subdivision (e) of Section 12809, or negligent operation as  
4 prescribed in Section 12810, if the person so driving has  
5 knowledge of the suspension or revocation. Knowledge shall be  
6 conclusively presumed if mailed notice has been given by the  
7 department to the person pursuant to Section 13106. The  
8 presumption established by this subdivision is a presumption  
9 affecting the burden of proof.

10 (b) ~~Any~~ A person convicted under this section shall be punished  
11 as follows:

12 (1) Upon a first conviction, by imprisonment in the county jail  
13 for not less than ~~five~~ 10 days or more than ~~six months~~ one year and  
14 by fine of not less than ~~three~~ five hundred dollars (~~\$300~~) (\$500) or  
15 more than one thousand dollars (\$1,000).

16 (2) If the offense occurred within five years of a prior offense  
17 ~~which that~~ resulted in a conviction of a violation of this section or  
18 Section 14601.1, 14601.2, or 14601.5, by imprisonment in the  
19 county jail for not less than ~~10~~ 20 days or more than one year and  
20 by fine of not less than ~~five hundred~~ one thousand dollars (~~\$500~~)  
21 (\$1,000) or more than two thousand dollars (\$2,000).

22 (c) If the offense occurred within five years of a prior offense  
23 ~~which that~~ resulted in a conviction of a violation of this section or  
24 Section 14601.1, 14601.2, or 14601.5, and is granted probation,  
25 the court shall impose as a condition of probation that the person  
26 be confined in the county jail for at least 10 days.

27 (d) Nothing in this section prohibits a person from driving a  
28 motor vehicle, ~~which that~~ is owned or utilized by the person's  
29 employer, during the course of employment, on private property  
30 ~~which that~~ is owned or utilized by the employer, except an offstreet  
31 parking facility, as defined in subdivision (d) of Section 12500.

32 (e) When the prosecution agrees to a plea of guilty or nolo  
33 contendere to a charge of a violation of this section in satisfaction  
34 of, or as a substitute for, an original charge of a violation of Section  
35 14601.2, and the court accepts that plea, except, in the interest of  
36 justice, when the court finds it would be inappropriate, the court  
37 shall, pursuant to Section 23575, require the person convicted, in  
38 addition to any other requirements, to install a certified ignition  
39 interlock device on any vehicle that the person owns or operates  
40 for a period not to exceed three years.

SEC. 2. Section 14601.2 of the Vehicle Code is amended to read:

14601.2. (a) No person ~~shall~~ *may* drive a motor vehicle at any time when that person's driving privilege is suspended or revoked for a conviction of a violation of Section 23152 or 23153 if the person so driving has knowledge of the suspension or revocation.

(b) Except in full compliance with the restriction, no person ~~shall~~ *may* drive a motor vehicle at any time when that person's driving privilege is restricted, if the person so driving has knowledge of the restriction.

(c) Knowledge of suspension or revocation of the driving privilege shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to Section 13106. Knowledge of restriction of the driving privilege shall be presumed if notice has been given by the court to the person. The presumption established by this subdivision is a presumption affecting the burden of proof.

(d) Any person convicted of a violation of this section shall be punished as follows:

(1) Upon a first conviction, by imprisonment in the county jail for not less than 10 days or more than ~~six months~~ *one year* and by a fine of not less than ~~three five~~ *three hundred* dollars (~~\$300~~) (*\$500*) or more than one thousand dollars (\$1,000), unless the person has been designated an habitual traffic offender under subdivision (b) of Section 23546, subdivision (b) of Section 23550, or subdivision (b) of Section 23550.5, in which case the person, in addition, shall be sentenced as provided in paragraph (3) of subdivision (e) of Section 14601.3.

(2) If the offense occurred within five years of a prior offense that resulted in a conviction of a violation of this section or Section 14601, 14601.1, or 14601.5, by imprisonment in the county jail for not less than 30 days or more than one year and by a fine of not less than five hundred dollars (\$500) or more than two thousand dollars (\$2,000), unless the person has been designated an habitual traffic offender under subdivision (b) of Section 23546 or subdivision (b) of Section 23550, in which case the person, in addition, shall be sentenced as provided in paragraph (3) of subdivision (e) of Section 14601.3.

(e) If any person is convicted of a first offense under this section and is granted probation, the court shall impose as a

1 condition of probation that the person be confined in the county jail  
2 for at least 10 days.

3 (f) If the offense occurred within five years of a prior offense  
4 that resulted in a conviction of a violation of this section or Section  
5 14601, 14601.1, or 14601.5 and is granted probation, the court  
6 shall impose as a condition of probation that the person be  
7 confined in the county jail for at least 30 days.

8 (g) If any person is convicted of a second or subsequent offense  
9 that results in a conviction of this section within seven years, but  
10 over five years, of a prior offense that resulted in a conviction of  
11 a violation of this section or Section 14601, 14601.1, or 14601.5  
12 and is granted probation, the court shall impose as a condition of  
13 probation that the person be confined in the county jail for at least  
14 10 days.

15 (h) Pursuant to Section 23575, the court shall require any  
16 person convicted of a violation of this section to install a certified  
17 ignition interlock device on any vehicle the person owns or  
18 operates.

19 (i) Nothing in this section prohibits a person who is  
20 participating in, or has completed, an alcohol or drug rehabilitation  
21 program from driving a motor vehicle that is owned or utilized by  
22 the person's employer, during the course of employment on  
23 private property that is owned or utilized by the employer, except  
24 an offstreet parking facility as defined in subdivision (c) of Section  
25 12500.

